

VZCZCXYZ0000
OO RUEHWEB

DE RUEHAC #0097/01 0492052
ZNY SSSSS ZZH
O R 182052Z FEB 10
FM AMEMBASSY ASUNCION
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0569
INFO MERCOSUR COLLECTIVE
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RHMFISS/HQ USSOCOM FP MACDILL AFB FL
RHMFISS/HQ USSOUTHCOM MIAMI FL
RUEABND/DEA HQS WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC

S E C R E T ASUNCION 000097

SIPDIS
NOFORN

WHA/FO CMC MULLEN, WHA/BSC MDRUCKER, BFRIEDMAN, MDASCHBACH, INL/LP DHOOKER, DS/TIA/ITA

E.O. 12958: DECL: 2035/02/18

TAGS: [PGOV](#) [SNAR](#) [ASEC](#) [PREL](#) [PA](#)

SUBJECT: GOP SEEKS TO IMPLEMENT NEW CELL PHONE INTERCEPT SYSTEM, BUT
PROMISES TO KEEP SIU PROGRAM INTACT

CLASSIFIED BY: Ambassador Liliana Ayalde, Ambassador, State, Front
Office; REASON: 1.4(B), (D)

11. (S/NF) SUMMARY: Interior Minister Filizzola told the Ambassador February 10 that the GOP would soon be rolling out a new, expanded cell phone intercept program, which would continue to cover counternarcotics but would also include anti-kidnapping cases as the GOP ratchets up efforts to capture the EPP. Filizzola assured the Ambassador that the DEA-SIU cell intercept program would remain alive, but encouraged the Embassy to allow the use of the DEA-funded cell intercept software to the GOP or it would be rendered obsolete. Despite some initial technical doubts, it appears that Filizzola's plan is technically feasible. However, we want to ensure that the DEA-supported program is not compromised in the process. Given the pressures on the GOP to arrest the EPP members responsible for the Zavala kidnapping, there is no doubt that the Lugo government will press to increase its intercept capability. Our participation and concurrence is key to our counternarcotics-- and broader law enforcement-- goals in Paraguay.
END SUMMARY.

FILIZZOLA INFORMS AMBASSADOR OF NEW GOP PROGRAM

12. (S/NF) Interior Minister Rafael Filizzola told the Ambassador February 10 that the GOP would soon be rolling out a new, expanded cell phone intercept program, which would continue to cover counternarcotics but would also include anti-kidnapping cases as the GOP ratchets up efforts to capture members of the Paraguayan People's Army (EPP) involved in the Fidel Zavala kidnapping. Since September 2009, DEA has had an active cell phone intercept program limited solely to counter-narcotics, managed by the Anti-Drug Secretariat (SENAD) (which is independent of the Interior Ministry). On several occasions since the October kidnapping of rancher Zavala by the EPP, Minister Filizzola asked Ambassador Ayalde and/or DEA to allow the Interior Ministry access to the cell intercept program so that it could pursue leads in the kidnapping case. Embassy declined access to the system, but cooperated with the Interior Ministry in order to monitor 12 lines related to the kidnapping. On February 10, Minister Filizzola told the Ambassador that the GOP had everything in place (legal framework, equipment, etc.) for a broader intercept program, but he learned that his program would impact the DEA-SIU program. The Ministry procured

Brazilian intercept equipment for USD 1.2 million but needed access to the software available via the DEA-SIU program at SENAD in order to make it operational. The Minister further said that he now understood that the technology did not permit both programs to operate independently. Thus the USG could either authorize the Ministry to link up with the DEA software or the GOP would procure the rest of its own system which would mean that the USG program housed in SENAD would be shut down. While acknowledging that drugs are a serious problem, the Minister stated that they are not the only security issue confronting Paraguay. Kidnapping, arms trafficking and corruption, the Minister stated, could not be subordinated to the war on drugs. Filizzola said the GOP's top priority was capturing the EPP, which had to take precedence over counternarcotics. He was specifically concerned about the USD 550,000 the EPP received during the Zavala kidnapping, the EPP's interest in generating instability, and the leads the GOP had on some other possible kidnappings. "Counternarcotics are important," he said, "but won't topple our government. The EEP could."

13. (S/NF) Filizzola assured the Ambassador that the DEA-SIU cell intercept program would continue, but encouraged the Embassy to cede access to its cell intercept software to the GOP or it would be rendered obsolete. The Minister said SENAD would still be able to intercept lines, but the Ministry of Interior would need to utilize our software. Filizzola said President Lugo had approved the new program, and would speak to SENAD Minister Cesar Aquino regarding same. (NOTE: As of this writing, Lugo had not broken the news to Aquino. END NOTE). Filizzola told the Ambassador that he wanted to ensure transparency with the Embassy and secure our

continued cooperation. The Minister stressed that he had the support and legal framework from the courts, Public Ministry, and the telephone regulatory agency CONATEL. The Minister noted that since the DEA already owns the connecting software (LMNS) equipment, it would be more sensible and helpful to the GOP if the U.S. would authorize its use by the Ministry. The alternative--the GOP starting from scratch-- would waste precious time in the GOP's urgent effort to capture members of the EPP and would render our equipment/software obsolete.

14. (S/NF) The Ambassador made clear that the U.S. had no interest in involving itself in the intercept program if the potential existed for it to be abused for political gain, but confirmed U.S. interest in cooperating on an intercept program with safeguards, as long as it included counternarcotics. While noting that the Interior Ministry's current personnel are trustworthy, the Ambassador noted that others could abuse this technology in the future. The Minister concurred and added that both he and the President were keenly aware of the potential risks. The Minister added that he believes there are currently three or four clandestine pieces of equipment in Paraguay capable of intercepting cellular phone calls. This equipment was purchased by members of the previous government using questionable funding and disappeared once the Lugo government took over. Both Filizzola and Vice Minister Caballero, who was also present for the meeting, confirmed that controls are crucial. Caballero assured the Ambassador that the following judicial and procedural protections are in place: 1) the intercept room will be managed by Public Ministry prosecutors and the Interior Ministry; 2) cellular phone providers will know which lines the GOP is listening to and will only grant permission based on a judicial order; 3) judicial orders can only be issued by three Asuncion-based judges, which are the same judges authorized to issue the orders under the current DEA-SENAD program; 4) the Supreme Court will ensure that only authorized taps are in place; 5) the equipment purchased by the GOP automatically tracks every action taken and its historical account cannot be altered or erased; and 6) the law only permits cell phone interception for anti-kidnapping (in this case, pursuit of the EPP) and counter-narcotics; there are no other lawful purposes.

IN SPITE OF SOME QUESTIONS, THE PROGRAM APPEARS TO BE FEASIBLE

15. (S/NF) Despite some initial technical questions from DEA, it appears that Filizzola's plan is feasible given the GOP's purchase of additional technology. The highly technical nature of this program has lent itself to confusion about what is and is not possible. From Filizzola's first request to use the software (LMNS) that the Embassy installed at SENAD, we had consistently indicated that DEA Washington had to weigh in. So the Embassy arranged for a February 17 video-teleconference (VTC) between the Minister, Vice Minister Caballero, and Filizzola's Chief of Staff Claudia Guanes and DEA Washington, led by XXXXXXXXXXXX, DEA's Unit Chief Coordinator for the Science and Technology Section. Also present were the Ambassador and DEA Country AttachC)XXXXXXXXXXXX.

16. (S/NF) During the VTC, Minister Filizzola laid out his plans for the program in general terms, highlighting its urgency. He said his program would start with cell phone provider PERSONAL, which is the only currently operational cell provider using the DEA-procured LMNS. Filizzola asked about the status of the second DEA- procured LMNS for TIGO, and expressed the GOP's commitment to continue the counternarcotics intercept program. He discussed the technical limitations with the DEA experts and concluded that expansion of the intercept program was technically possible with the purchase of additional hardware and licenses. The Minister saw two

alternatives: (1) the Ministry buys additional equipment/software and replaces the DEA-purchased LMNS; or (2) the Ministry and SENAD (read DEA-supported program) share the connecting software (LMNS). Both DEA and the Minister asked some clarifying questions which demonstrated that the Ministry had the equipment for the Monitoring Center and only needed the use of the DEA software currently in use at PERSONAL. Between PERSONAL and the next cell provider scheduled to come on-line, TIGO, they would cover 90% of the cellular telephone market. DEA indicated that it took them over a year to install the PERSONAL system because full cooperation from the company is required. The Minister emphasized that this would not be an issue because they already had the decree from CONATEL (telephone industry regulator) that forces the telephone companies to cooperate, in addition to the proper legal authorities (based on the Constitution and the anti-kidnapping law).

17. (S/NF) In light of the highly sensitive nature of this program, the Ambassador asked Minister Filizzola to provide the Embassy with a written request for access to the existing cell intercept software, along with copies of the laws that serve as a legal basis for the expanded program. Both Supreme Court President Fretes and SENAD Minister Aquino expressed doubts to Emboffs about the legality of the expanded program. (NOTE: While Fretes told Filizzola that he was "on board," it is very common for Paraguayans to avoid voicing disagreement. Aquino's concerns, in turn, may have more to do with his rivalry with Minister Filizzola. END NOTE). TIGO (Millicom), one of Paraguay's leading cell phone providers, told the Ambassador that though they had concerns about the GOP's decision to move forward with an intercept program, they felt that U.S. involvement in the program would provide them with some "cover."

COMMENT: GET ON BOARD OR GET LEFT BEHIND

18. (S/NF) Given the political pressures on the GOP to arrest the EPP members responsible for the Zavala kidnapping, there is no doubt that the Lugo government will continue intense efforts to improve its intercept capability. Our participation and concurrence is key to our counternarcotics-- and broader law enforcement-- goals in Paraguay. If we are not supportive, the GOP will view us as an obstacle to a key priority, which could jeopardize our broader relationship and the DEA's ability to pursue counternarcotics leads. Capturing the EPP has become a top priority of the Paraguayan government, and there is a real sense of urgency that it happen quickly. We now have an opportunity to help the GOP and be viewed as a reliable and valuable partner, as well as to ensure that U.S. interests in counternarcotics are protected. However, we want to limit our involvement to protecting DEA's program, as opposed to legitimizing the GOP's broader CT intercept program. DEA will send XXXXXXXXXXXX to Asuncion in coming weeks, who will offer advice to the GOP on how to best set up the program (in order to protect our part of it). We have carefully navigated this very sensitive and politically sticky situation, and hope that we can move forward quickly in order to make the most of it. It appears that we have no other viable choice. END COMMENT.
AYALDE